

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHANTA PEARSON,

Plaintiff,
v.

NOVACARE, et al.,

Defendants.

ORDER

Case No. 20-cv-487-wmc

In an order entered on June 3, 2020, I assessed plaintiff Shanta Pearson an initial partial payment of \$1.96 of the \$350.00 fee for filing this case due by June 24, 2020. Dkt. 8. Now plaintiff has filed a letter, which I will construe as motion to use release account funds to pay the \$1.96 initial partial payment and for an extension of time to pay the initial partial payment. Dkt. 9. I will grant plaintiff's motion.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, if sufficient funds do not exist in plaintiff's regular account to pay the \$1.96 plaintiff has been assessed as an initial partial payment, plaintiff can use his release account to pay the initial partial payment balance.

ORDER

IT IS ORDERED that,

1. Plaintiff Shanta Pearson's motion to use his release account funds to pay the \$1.96 initial partial payment in this case is GRANTED.

2. Plaintiff may have an extension of time until July 21, 2020 to submit the \$1.96 initial partial payment. If plaintiff fails to make the initial partial payment by July 21, 2020, or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.
3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 23rd day of June, 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge